



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

IN REPLY PLEASE
REFER TO FILE

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

January 29, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

30 February 5, 2019

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**CONSTRUCTION CONTRACTS
WATER RESOURCES CORE SERVICE AREA
AWARD OF CONTRACTS FOR EMERGENCY WATER DISTRIBUTION SYSTEM
REPAIR SERVICES AND RESOLUTION DELEGATING AUTHORITY TO THE
DIRECTOR OF PUBLIC WORKS TO ORDER EMERGENCY WORK
(ALL SUPERVISORIAL DISTRICTS)
(4 VOTES)**

SUBJECT

Public Works is seeking Board approval to award and authorize the Director of Public Works to execute five contracts for emergency water distribution system repair services that will provide repair crew(s), appropriate equipment, and materials in response to emergencies arising from failures in water facilities owned, operated, or administered by the County of Los Angeles; and to delegate authority to the Director of Public Works to order such emergency work.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the contract work is not a project under the provisions of the California Environmental Quality Act for the reasons stated in this letter.
2. Award the contracts for emergency water distribution repair services with the following five contractors: Michels Corporation; Mladen Buntich Construction Company, Inc.; Spiniello Companies; W. A. Rasic Construction Company, Inc.; and Williams Pipeline Contractors, Inc.
3. Delegate authority to the Director of Public Works to execute the five contracts. These contracts will be for a 3-year term with a 1-year extension period for a maximum contract term of 4 years. The not-to-exceed aggregate program annual amount is \$1 million for the 3-year term and the 1-year

extension period for a potential initial total aggregate program amount of \$4 million.

4. Authorize the Director of Public Works or his designee to annually increase the contract amount for any of the five contracts by up to an additional 10 percent of the not-to-exceed aggregate program amount of \$1 million per year for unforeseen additional work within the scope of the contract, if required. The maximum potential total aggregate program sum will be \$4.4 million.

5. Delegate authority to the Director of Public Works or his designee to administer the referenced contracts and, at the discretion of the Director of Public Works or his designee, to exercise the option to extend any or all the contracts for 1 additional year based upon project demands and the level of satisfaction with the services provided for a total potential maximum contract term of 4 years.

6. Adopt a resolution delegating authority to the Director of Public Works or his designee to order emergency work without giving notice for bids in accordance with Public Contract Code Section 22050.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to provide emergency response repair crew(s), appropriate equipment, and materials in response to emergencies arising from water system failures owned, operated, or administered by the County of Los Angeles.

The work to be performed will consist of emergency repair of water mains; water service connections; and meters, fire hydrants, valves, couplings, flanges, and other components. In addition, repairs may include new paving, surfacing work, rebuilding slopes, retaining walls, fencing, trenching, shoring, and welding. All work shall comply with all applicable laws and requirements of Federal, State, County, or other local regulatory agencies. The emergency work shall comply with the applicable provisions of the Public Contract Code. Public Works has contracted for these services since 1995.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provisions of Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability and Objectives III.3.1 Maximize Revenue and III.3.2 Manage and Maximize County Assets. The recommended action ensures proper water distribution system repairs to minimize water losses, maximize revenue, and maximize County assets.

FISCAL IMPACT/FINANCING

The contracts will be for a not-to-exceed aggregate program annual amount of \$1 million plus 10 percent for additional work within the scope of the contract. The maximum potential total aggregate program sum will be \$4.4 million. This amount is based on the hourly rates quoted by the contractors and Public Works' estimated annual utilization of the contractor's services.

It is expected that the initial 3-year term of the contracts will start during Fiscal Year 2018-19 and conclude in Fiscal Year 2021-22. The 1-year extension option, if exercised, would be operative through Fiscal Year 2022-23.

Total expenditures for these services will not exceed the maximum potential total aggregate program sum approved by the Board. Services may be ordered for and subsequently funded by various

Public Works administered funds. Funds to finance the remainder of the contract terms and 1 optional year will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A standard services contract, in the form previously approved by County Counsel, will be used. The emergency water distribution system repair services contracts will contain terms and conditions in compliance with the Chief Executive Office's and the Board's requirements.

The contractors were selected upon final analysis and consideration without regard to race, creed, gender, or color. The enclosed spreadsheet (Enclosure A) reflects the contractors' minority participation and Community Business Enterprise participation data.

California Public Contract Code Section 22050(a)(1) provides that "in case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." Section 22050(b) authorizes the governing body to delegate this authority, by resolution, to a designated County officer provided that the officer reports to the governing body, not later than 7 days or at the governing body's next regularly scheduled meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids, and why the action taken is necessary to respond to the emergency. The Board is required to review the emergency action every 14 days pursuant to Section 22050(c)(2) to determine by a four-fifths vote that there is a need to continue the action, unless the emergency work is otherwise terminated.

On August 22, 2006, the Board, acting as the governing body of the Los Angeles County Waterworks Districts (Waterworks Districts), approved a resolution (Enclosure B) delegating authority to order emergency work to the Director of Public Works for water distribution systems within the various Waterworks Districts. The resolution submitted with this letter (Enclosure C) is to extend that same delegation to the Director of Public Works for water distribution systems owned, operated, or administered by the County of Los Angeles, which are not within one of the Waterworks Districts.

These contracted repair services will be utilized only where there is an emergency as defined in Section 1102 of the Public Contract Code where immediate action is required to prevent or mitigate the loss or impairment of life, health, property or essential public services and County forces are unable to perform the emergency work.

ENVIRONMENTAL DOCUMENTATION

The award of this contract is not a project because it is an activity excluded from the definition of project by Section 15378(b) of the California Environmental Quality Act (CEQA). Prior to directing any work to be performed under the agreements, the Director of Public Works or his designee will determine whether the work is exempt pursuant to Section 15269 of the CEQA Guidelines, and Public Works will only proceed with such work if it is determined that the exemption applies.

CONTRACTING PROCESS

On May 29, 2018, Public Works issued a Request for Proposals (RFP). The RFP was posted on both the "Doing Business with Us" and "Public Works Business Opportunities" websites and in the

Los Angeles Daily Journal, Los Angeles Sentinel, and La Opinion newspapers. Also, Public Works informed over 1,300 local small business enterprises about this business opportunity. Sixteen firms registered on Public Works' website for this RFP.

On June 27, 2018, a total of five proposals were received and all five firms passed pass/fail requirements. An evaluation committee composed of staff from Public Works evaluated the proposals based on criteria described in the RFP, including technical expertise, price, proposed workplan, experience, personnel qualifications, and understanding of the work requirements. The evaluations were completed without regard to race, creed, color, or gender and in accordance with the Board-approved informed averaging methodology. Based on the evaluation of the proposals, the following firms were selected: Michels Corporation; Mladen Buntich Construction Company, Inc.; Spiniello Companies; W. A. Rasic Construction Company, Inc.; and Williams Pipeline Contractors, Inc. The selected firms are qualified to provide the required services. Public Works has determined that the firms' proposed rates for performing the services are reasonable.

The 3-year contracting history for the five selected firms are on file with Public Works.

Public Works has evaluated and determined that the County of Los Angeles Code, Chapter 2.201 (Living Wage Program) does not apply to the recommended contracts. These emergency water distribution system repair services contracts are exempt from the requirements of Proposition A because the services are required on a part-time and intermittent basis.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects as a result of authorizing the recommended emergency water distribution system repair services contracts. These contracts will provide necessary emergency water distribution system repair services in an efficient manner by enhancing the delivery of Public Works' and the Waterworks Districts' missions.

CONCLUSION

Please return an adopted copy of this letter and a signed original of the resolution to Public Works, Waterworks Division.

The Honorable Board of Supervisors

1/29/2019

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:AA:ea

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Michael Simon)
Executive Office

**LOS ANGELES COUNTY PUBLIC WORKS
EMERGENCY WATER DISTRIBUTION REPAIR SYSTEM PROGRAM
FIRMS' MINORITY UTILIZATION PARTICIPATION**

SELECTED FIRMS

Firm Name (Prime with subcontractors* listed below) - *only subcontractors with Utilization Participation were listed.		Local SBE	SBE	Minority	Women	Disadvantaged	Disabled/Vet
1	Michels Corporation						
	S + J Supply		X				
	AC Paving Company		X				
	Strive Concrete Cutting			X			
	SoCal Stormwater Runoff Solutions		X				
	DC Traffic Control		X				
2	Mladen Buntich Construction Company, Inc.						
	N/A						
3	Spiniello Companies						
	LNA Concrete Structures		X	X			
	LPC Paving		X	X			
4	W. A. Rasic Construction Company, Inc.						
	Miranda Logistics Enterprise			X			
	Tom Grbavac & Sons , Inc.				X		
	Strive Concrete Cutting, Inc.			X			
	Koppl Pipeline Services, Inc.				X		
	Western Paving Contractors			X			
	Mission Paving and Sealing			X			
	Veterans Engineering Services						X
5	Williams Pipeline Contractors, Inc.						
	N/A						

**EMERGENCY WATER DISTRIBUTION SYSTEM REPAIR PROGRAM
CBE UTILIZATION**

FIRM INFORMATION		Michels Corporation	Mladen Buntich Construction Company, Inc.	Spiniello Copanies	W. A. Rasic Construction Company, Inc.	Williams Pipeline Contractors, Inc.
BUSINESS STRUCTURE		Corporation	Corporation	Corporation	Corporation	Corporation
CULTURAL/ETHNIC COMPOSITION						
OWNERS/PARTNERS	Black/African American					
	Hispanic/Latino					
	Asian or Pacific Islander					
	American Indian					
	Filipino					
	White	5	3	2	3	1
Female (included above)		1	1			
MANAGER						
STAFF	Black/African American	4		1	1	
	Hispanic/Latino	12		4	29	2
	Asian or Pacific Islander	3		2	4	
	American Indian	2				
	Filipino	0				
	White	507	2	9	30	
	Female (included above)	49		6	3	1
	Black/African American	73	1	1	4	
	Hispanic/Latino	196	19	9	181	12
	Asian or Pacific Islander	17	2		8	1
American Indian	52					
Filipino	0					
White	3,467	23	25	72		
Female (included above)	308	3	10	15	1	
Total # of Employees		4,333	47	53	332	18
COUNTY CERTIFICATION						
CBE		N	N	N	N	N
LSBE		N	N	N	N	N
OTHER CERTIFYING AGENCY						
		list agency here				

A RESOLUTION OF THE BOARD OF SUPERVISORS
ACTING AS THE GOVERNING BODY OF THE
LOS ANGELES COUNTY WATERWORKS DISTRICTS NOS. 21, 29, 36, 37, AND 40,
AND THE MARINA DEL REY WATER SYSTEM
DELEGATING AUTHORITY TO ORDER EMERGENCY WORK TO
THE DIRECTOR OF PUBLIC WORKS

WHEREAS, Public Contract Code Section 22050 authorizes the governing body of a public agency, in the case of an emergency, to repair or replace a public facility, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, Public Contract Code Section 22050 authorizes the governing body, by a four-fifths vote, to delegate authority to an appropriate officer of the agency to order such actions; and

WHEREAS, it is in the public interest for the Los Angeles County Waterworks Districts and the Marina Del Rey Water System to be able to respond to emergency conditions as quickly and as effectively as possible; and

WHEREAS, the delegation of authority to the Director of Public Works, to order emergency work, as described in Public Contract Code Section 22050, will enhance the ability of the Los Angeles County Waterworks Districts and the Marina Del Rey Water System to take the necessary actions in response to emergency conditions as quickly and as effectively as possible.

NOW, THEREFORE, THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS NOS. 21, 29, 36, 37, AND 40, AND THE MARINA DEL REY WATER SYSTEM HEREBY RESOLVES AS FOLLOWS:

1. The Director of Public Works of the County of Los Angeles shall be authorized, in the case of an emergency as defined in Section 1102 of the Public Contract Code, to order the repair or replacement of any facility of the Los Angeles County Waterworks Districts and the Marina Del Rey Water System, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for such purposes, without giving notice for bids to let contracts.

2. When the Director orders any action pursuant to the authority delegated by this resolution, the Director shall report to the Board, not later than seven days after the action, or at the Board's next regularly scheduled meeting, if that meeting will occur not later than 14 days after the action, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids, and why the action is necessary to respond to the emergency, unless the Director has terminated that action prior to that time.

The foregoing Resolution was on the 22nd day of AUGUST, 2006,
adopted by the Board of Supervisors acting as the governing board of the Los Angeles
County Waterworks Districts and the Marina Del Rey Water System.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By [Signature]
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By [Signature]
Deputy

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**RESOLUTION OF THE BOARD OF SUPERVISORS
DELEGATING AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS
TO ORDER EMERGENCY WORK ON WATER FACILITIES OWNED, OPERATED,
OR ADMINISTERED BY THE COUNTY OF LOS ANGELES**

WHEREAS, Public Contract Code Section 22050 authorizes the governing body of a public agency, in the case of an emergency, to repair or replace a public facility, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts; and

WHEREAS, Public Contract Code Section 22050 authorizes the governing body, by a four-fifths vote, to delegate authority to an appropriate officer of the agency to order such actions; and

WHEREAS, on August 3, 2006, the Board of Supervisors acting as the governing body of the Los Angeles County Waterworks District Nos. 21, 29, 36, 37, and 40, delegated authority to the Director of Public Works, in the case of an emergency as defined in Section 1102 of the Public Contract Code, to order the repair or replacement of any facility of the Los Angeles County Waterworks Districts and in the Marina del Rey Water System, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for such purposes, without giving notice for bids to let contracts.

WHEREAS, in addition to the Marina del Rey Water System, there are other water facilities owned, operated, or administered by the County of Los Angeles, which are not within a Waterworks District, including but not limited to the Rancho Los Amigos National Rehabilitation Center water system and the Sativa Los Angeles County Water District.

WHEREAS, the delegation of authority to the Director of Public Works or his designee, to order emergency work, as described in Public Contract Code Section 22050, for these water facilities owned, operated, or administered by the County of Los Angeles will enhance Public Works' ability to take the necessary actions as quickly and as effective as possible in response to emergencies arising from failures of these water facilities.

NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVES AS FOLLOWS:

1. The Director of Public Works or his designee shall be authorized, in the case of an emergency as defined in Section 1102 of the Public Contract Code, to order the repair or replacement of any water facilities owned, operated, or administered by the County of Los Angeles, to take any directly related and immediate action required by that emergency, and to

2. When the Director of Public Works or his designee orders any action pursuant to the authority delegated by this resolution, the Director of Public Works or his designee shall report to the Board, not later than seven days after the action, or at the Board's next regularly scheduled meeting, if that meeting will occur not later than 14 days after the action, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids, and why the action is necessary to respond to the emergency, unless the Director of Public Works or his designee has terminated that action prior to that time.


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The foregoing resolution was adopted on the 5th day of February, 2019, by the Board of Supervisors of the County of Los Angeles.



CELIA ZAVALA
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By 
Deputy